

CHARTER
OF THE
Town of Chesapeake Beach

CALVERT COUNTY, MARYLAND

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1981 Edition*

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CONTENTS

SUBTITLE 1 General Corporate Powers

Section

- C-101. General corporate powers. (See Note (2))

SUBTITLE 2 Corporate Limits

- C-201. Courses and distances.

SUBTITLE 3 The Council

- C-301. Number; selection; term.
C-302. Qualifications.
C-303. Meetings.
C-304. Judge of qualifications of its members.
C-305. President and vice-president.
C-306. Quorum.
C-307. Procedure.
C-308. Vacancies.
C-309. Ordinances.
C-310. Veto.
C-311. Referendum.
C-312. File of ordinances.

SUBTITLE 4 The Mayor

- C-401. Selection; term.
C-402. Qualifications.
C-403. Powers; duties.

SUBTITLE 5 General Powers

- C-501. Enumerated.
C-502. Exercise of powers.
C-503. Misdemeanors.
C-504. Municipal Infractions.

C-505. Civil Code Violations.

SUBTITLE 6

Registration, Nominations, and Elections

- C-601. Qualifications of voters.
- C-602. Board of elections.
- C-603. Removal of members.
- C-604. General duties and powers of board of elections.
- C-605. Notice of registration days and elections.
- C-606. Registration.
- C-607. Challenges, Recounts, Appeals.
- C-608. Nomination for public office.
- C-609. Election of mayor and councilmen.
- C-610. Conduct of elections.
- C-611. Special elections.
- C-612. Vote count.
- C-613. Preservation of records.
- C-614. Vacancies.
- C-615. Women.
- C-616. Regulation and control by council.
- C-617. Penalties – Repealed.

SUBTITLE 7

Finance

- C-701. Treasurer.
- C-702. Same; powers and duties.
- C-703. Town clerk.
- C-704. Treasurer; bond.
- C-705. Fiscal year.
- C-706. Budget.
- C-707. Same; adoption.
- C-708. Appropriations.
- C-709. Transfer of funds.
- C-710. Over-expenditures forbidden.
- C-711. Appropriations lapse after one year.
- C-712. Checks.
- C-713. Taxable property.
- C-714. Budget authorizes levy.
- C-715. Notice of tax levy.
- C-716. When taxes are overdue.
- C-717. Sale of tax delinquent property.
- C-718. Fees.
- C-719. Audit.
- C-720. Tax anticipation borrowing.

- C-721. Authority for borrowing; payment of indebtedness.
- C-722. Previous issues.
- C-723. Purchasing and contract.
- C-724. Borrowing Between Funds.

SUBTITLE 8
Personnel

- C-801. Clerk to council.
- C-802. Town attorney.
- C-803. Authority to employ personnel.
- C-804. Merit system authorized.
- C-805. Unclassified and classified service.
- C-806. Prohibitions and penalties.
- C-807. Retirement system.
- C-808. Compensation of employees.
- C-809. Employee benefit programs.

SUBTITLE 9
Public Ways

- C-901. Definition.
- C-902. Control.
- C-903. Powers of town as to public ways.
- C-904. Powers of town as to sidewalks.

SUBTITLE 10
Water and Sewers

- C-1001. Powers of town.
- C-1002. Placing structures in public ways.
- C-1003. Obstructions.
- C-1004. Entering on county public ways.
- C-1005. Connections.
- C-1006. Same; charge.
- C-1007. Changes in plumbing, etc., to prevent waste or improper use.
- C-1008. Private systems.
- C-1009. Extensions beyond boundaries.
- C-1010. Right of entry.
- C-1011. Pollution of water supply.
- C-1012. Contracts for water.
- C-1013. Charges.
- C-1014. Exception.

SUBTITLE 11
Special Assessments

- C-1101. Power of town to levy.
- C-1102. Procedure.

SUBTITLE 12
Town Property

- C-1201. Acquisition, possession, and disposal.
- C-1202. Condemnation.
- C-1203. Town buildings.
- C-1204. Protection of town property.

SUBTITLE 13
General Provisions

- C-1301. Oath of office.
- C-1302. Official bonds.
- C-1303. Prior rights and obligations.
- C-1305. Effect of charter on existing ordinances.
- C-1306. Separability.
- C-1307. “Town” construed to mean “city”.

CHESAPEAKE BEACH

SUBTITLE 1 General Corporate Powers (See Note (2))

Section C-101. General corporate powers.

The inhabitants of Chesapeake Beach, in Calvert County, Maryland, within the corporate limits legally established from time to time are hereby continued a body corporate by the name of "Chesapeake Beach" with all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal and to have perpetual succession, unless the charter and the corporate existence are legally abrogated. (Res., March, 1963, sec. 1; P.L.L. 1963, sec. 7.)

SUBTITLE 2 Corporate Limits

Section C-201. Courses and distances.

The boundary limits of said town of Chesapeake Beach shall be as follows:

BEGINNING for the same at a point on the shoreline and waters of the Chesapeake Bay at the southernmost limit of the municipality of North Beach, said point of beginning being at the original beginning of the Town of Chesapeake Beach as described in Chapter 120 of the Acts of the General Assembly of the January Session 1900, Paragraph 2 of Section 2 thereof, and running thence and binding on the first and part of the second lines as described in said description;

1. DUE WEST 5,148 FEET, and
2. DUE SOUTH 1,754 FEET, more or less to intersect the southern right-of-way line of Maryland Route 260 per SHA Plat No.s [Nos.] 20712 and 20713,

THENCE running the following four (4) courses and distances with said southern right-of-way line of Maryland Route 26, i.e.

3. NORTH 52° 49' 59" EAST – 140.91 FEET,
4. NORTH 43° 24' 51" EAST – 120.65 FEET,
5. NORTH 76° 34' 39" EAST – 100.00 FEET,

6. NORTH 45° 59' 54" EAST – 5.61 FEET to the northeastern corner of the property of Bayside Baptist Church, Inc. (ABE 726/760),

THENCE running the following 18 courses and distances with said southern right-of-way line of Maryland Route 260, i.e.

7. NORTH 46° 09' 10" WEST – 8.45 FEET

8. NORTH 76° 44' 40" WEST – 71.51 FEET to a point of curvature,

THENCE with the arc of a curve to the left 745.05 feet, having a radius of 3,420.92 feet, and being scribed by a chord

9. NORTH 82° 58' 35" WEST – 743.58 FEET

10. SOUTH 75° 31' 20" WEST – 116.77 FEET

11. NORTH 84° 05' 20" WEST – 7.17 FEET

12. NORTH 85° 23' 44" WEST – 110.61 FEET, and

13. NORTH 82° 12' 28" WEST – 54.17 FEET to the land of Four Brothers Land Partnership, Inc. per deed recorded among said Land Records in Liber ABE 526 at Folio 466,

14. NORTH 77° 15' 25" WEST – 105.65 FEET,

15. NORTH 88° 10' 58" WEST – 154.06 FEET,

16. NORTH 76° 11' 41" WEST – 54.00 FEET,

17. NORTH 71° 25' 51" WEST – 96.33 FEET,

18. NORTH 70° 06' 56" WEST – 30.86 FEET,

19. SOUTH 05° 53' 33" WEST – 44.01 FEET to a point on the aforementioned eastern right-of-way line of Kent Branch Road, thence continuing with the southern right-of-way line of Maryland Route 260 and crossing Kent Branch Road,

20. NORTH 79° 49' 19" WEST – 30.05 FEET to the western right-of-way line of Kent Branch Road, thence leaving the western right-of-way line of Kent Branch Road and continuing with the southern right-of-way line of Maryland Route 260,

21. NORTH 05° 50' 13" EAST – 45.45 FEET,

22. NORTH 78° 11' 45" WEST – 80.17 FEET,

23. NORTH 69° 34' 26" WEST – 225.50 FEET, and

24. NORTH 70° 29' 02" WEST – 66.12 FEET,

THENCE leaving said southern right-of-way line of Maryland Route 260 and continuing with said outline of said "Four Brothers Land Partnership", i.e.,

25. SOUTH 13° 21' 12" WEST – 686.18 FEET to an iron pipe passing in transit at 251.31' an iron pipe, thence

26. SOUTH 87° 28' 32" WEST – 196.75 FEET to an iron rod,

27. SOUTH 14° 06' 29" WEST – 898.48 FEET to an iron rod,

28. SOUTH 20° 51' 29" WEST – 208.73 FEET to 24" Poplar tree,

29. NORTH 66° 31' 41" WEST – 338.84 FEET to an iron rod,

30. NORTH 03° 58' 19" EAST – 310.82 FEET to an iron rod,

31. NORTH 22° 31' 41" WEST – 132.00 FEET to an iron rod,

32. NORTH 05° 28' 19" EAST – 376.20 FEET to an iron rod,

33. NORTH 78° 57' 41" WEST – 321.03 FEET to a 24" Hickory tree in a fence corner,

34. SOUTH 14° 24' 23" WEST – 505.80 FEET [to] an iron pipe,

35. SOUTH 14° 56' 28" WEST – 164.14 FEET to an iron pipe,

36. SOUTH 15° 02' 11" WEST – 778.07 FEET to an iron pipe at the base of a 40" witnessed Oak tree,

37. SOUTH 13° 18' 26" WEST – 140.25 FEET to an iron pipe in a stream,

38. SOUTH 10° 18' 26" WEST – 264.00 FEET,

39. SOUTH 14° 20' 31" WEST – 625.48 FEET to a 36" Oak tree in a fence line,

40. SOUTH 20° 54' 30" west – 403.40 FEET to an x-cut in a sandstone in a fence line,

41. SOUTH 05° 23' 13" WEST – 956.73 FEET,

42. NORTH 78° 18' 26" EAST – 273.90 FEET to an iron rod,

- line,
43. NORTH 66° 48' 26" EAST – 168.30 FEET to a 24" blazed Maple tree in a fence
 44. NORTH 61° 18' 26" EAST – 158.40 FEET to an iron rod,
 45. NORTH 41° 18' 26" EAST – 247.50 FEET to an iron rod,
 46. SOUTH 35° 11' 34" EAST – 151.80 FEET to an iron rod,
 47. SOUTH 32° 14' 16" EAST – 145.07 FEET to a triple 18" Maple tree in a fence
corner,
 48. SOUTH 52° 14' 00" EAST – 231.00 FEET,
 49. SOUTH 86° 14' 00" EAST – 140.25 FEET,
 50. SOUTH 85° 56' 14" EAST – 112.13 FEET,
 51. SOUTH 56° 20' 22" EAST – 178.20 FEET to a fence post,
 52. SOUTH 26° 09' 54" EAST – 130.46 FEET,
 53. SOUTH 09° 50' 06" WEST – 231.56 FEET to a fence post,
 54. SOUTH 09° 13' 14" EAST – 85.80 FEET,
 55. SOUTH 25° 43' 14" EAST – 151.80 FEET,
 56. SOUTH 56° 13' 14" EAST – 138.60 FEET,
 57. SOUTH 77° 13' 14" EAST – 310.20 FEET,
 58. SOUTH 44° 13' 14" EAST – 105.60 FEET,
 59. SOUTH 61° 13' 14" EAST – 363.00 FEET,
 60. SOUTH 27° 43' 14" EAST – 412.50 FEET,
 61. SOUTH 35° 43' 14" EAST – 290.40 FEET, and
 62. SOUTH 33° 43' 14" EAST – 709.50 FEET to the approximate center of Fishing
Creek and the northern outline of the subdivision of CHESAPEAKE BEACH, as per Plat NO. 1
thereof recorded among the LAND RECORDS of CALVERT COUNTY in LIBER T.B.T. NO.
5, FOLIO 571,

THENCE running as to include all the land embraced in said Plat No. 1 of Chesapeake Beach to a concrete monument in the south side of the abandoned Chesapeake [Chesapeake] Beach Railroad bed, said concrete monument being located NORTH 89° 53' 00" WEST – 860 FEET ± from the point where said southern side is intersected by the western right-of-way line of Maryland Route 261 (variable width R/W) per plat of same recorded among the Plat Records of Calvert County, Maryland in Plat Book A.A.H. 1 at Plat 27,

THENCE running with the eastern outline of the property of the Deckman Family Limited Partnership, as recorded among the said Land Records in Liber ABE 321 at Folio 503, to the west the following seventeen (17) courses and distances, i.e.,

63. SOUTH 11° 10' 00" WEST – 205.62 FEET to a pipe,
64. SOUTH 12° 00' 00" WEST – 77.73 FEET to a pipe,
65. SOUTH 20° 28' 30" WEST – 455.26 FEET to a pipe,
66. SOUTH 35° 15' 00" WEST – 393.96 FEET to a concrete monument,
67. NORTH 71° 59' 00" WEST – 134.53 FEET,
68. NORTH 61° 07' 30" WEST – 151.81 FEET,
69. NORTH 61° 39' 30" WEST – 154.57 FEET to a concrete monument, thence
70. SOUTH 25° 25' 30" WEST – 677.05 FEET to a pipe,
71. SOUTH 06° 22' 20" WEST – 354.26 FEET to a pipe,
72. SOUTH 16° 48' 30" WEST – 707.35 FEET to a concrete monument,
73. SOUTH 73° 18' 30" WEST – 200.49 FEET to a concrete monument,
74. SOUTH 01° 34' 00" EAST – 113.51 FEET to a pipe,
75. SOUTH 22° 14' 00" WEST – 229.84 FEET to a pipe,
76. SOUTH 26° 53' 00" EAST – 225.98 FEET,
77. SOUTH 59° 00' 30" EAST – 100.95 FEET,
78. SOUTH 85° 28' 00" EAST – 83.75 FEET to a concrete monument, and
79. SOUTH 06° 55' 10" EAST – 714.67 FEET to a concrete monument in the north outline of the Randle Cliff Subdivision, formerly known as Summer City,

THENCE leaving said division with the Deckman Family Limited Partnership and running with the said northern outline of the Randle Cliff Subdivision as shown on the plat recorded among the said Land Records of Calvert County, Maryland in Liber GWD 9 at Folio 149,

80. SOUTH 83° 34' 30" EAST – 1,431.77 FEET to a pipe in the intersection of two (2) fences,

THENCE continuing easterly, binding on the northern boundary of Randle Cliff Beach and the southern boundary of Chesapeake Beach as shown on said Plat No. 1 to the Chesapeake Bay.

THENCE northerly along the shoreline and waters of the Chesapeake Bay to the place of beginning, together with any extensions, structures, or improvements extending therefrom to the waters of the Chesapeake Bay.

THENCE beginning for the same at a point in the eastern right-of-way line of Kent Branch Road, a 30 ft. right-of-way, (also known as Rich Neck Road), said point also being in and 286.36 feet from the beginning of the 30th or NORTH 04° 29' 11" WEST – 350.22 FEET line of the description of the Corporate Limits of the Town of Chesapeake Beach, Maryland; said point also being described as the southwesternmost corner of the conveyance from Dorothy B. Brown to Kent's Branch, Inc. by deed dated April 24, 1987 and recorded among the Land Records of Calvert County, Maryland in Liber ABE 402 at Folio 144; said point lastly being described as the southwesternmost corner of the herein described:

THENCE leaving said point of beginning so fixed, and leaving said Corporate Limits of the Town of Chesapeake Beach and running in a counter clockwise direction, and running with the southern and part of the eastern outline of said Kent Branch, Inc. property (ABE 402/144) the following 2 courses and distances, i.e.

1. NORTH 79° 29' 40" EAST – 806.60 FEET to a point, and

2. NORTH 23° 21' 51" WEST – 162.96 FEET to an iron pipe according to a survey dated December, 1986 by A.L. Dowgiallo & Associates, Inc. entitled "Plat of Property of Dorothy B. Brown" leaving said pipe also marking the southwestern corner of the conveyance from George Owings and Sami P. Maloof to Sami P. Maloof by deed dated September 29, 1983 and recorded among said Land Records of Calvert County in Liber ABE 341 at Folio 657.

THENCE leaving said Kent Branch, Inc. Property (ABE 402/144) and running the following 2 courses and distances with the southern outline of said Maloof Property (ABE 341/657) as adjusted to the meridian of the Corporate Limits of the Town of Chesapeake Beach, i.e.,

3. SOUTH 82° 34' 50" EAST – 418.42 FEET to an iron pipe, and

4. SOUTH 82° 54' 29" EAST – 121.57 FEET to an iron pipe marking the southwestern corner of the conveyance from Emmanuel Baptist Church to Bayside Baptist Church, Inc. by deed dated October 22, 1993 and recorded among said Land Records of Calvert County in Liber ABE 726 at Folio 760,

THENCE leaving said Maloof Property (ABE 341/657) and running the following 4 courses and distances with the southern and eastern boundaries of said Bayside Baptist Church, Inc. Property (ABE 726/760) as adjusted to the meridian of the Corporate Limits of the Town of Chesapeake Beach, i.e.

5. SOUTH 81° 27' 30" EAST – 130.54 FEET to an iron pipe in a fence,

6. SOUTH 84° 33' 00" EAST – 112.87 FEET

7. SOUTH 77° 28' 30" EAST – 60.36 FEET to an iron pipe in a fence, and

8. NORTH 01° 39' 30" EAST – 333.60 FEET to intersect the southern right-of-way line of Maryland Route 210 per SHA Plat #20707,

THENCE running the following 7 courses and distances with said southern right-of-way line of Maryland Route 260, i.e.

9. NORTH 46° 09' 10" WEST – 8.45 FEET

10. NORTH 76° 44' 40" WEST – 71.51 FEET to a point of curvature,

THENCE with the arc of a curve to the left 745.05 feet, having a radius of 3,420.92 feet, and being scribed by a chord

11. NORTH 82° 58' 35" WEST – 743.58 FEET

12. SOUTH 75° 31' 20" WEST – 116.77 FEET

13. NORTH 84° 05' 20" WEST – 7.17 FEET

14. NORTH 85° 23' 44" WEST – 110.61 FEET, and

15. NORTH 82° 12' 28" WEST – 54.17 FEET to the land of Four Brothers Land Partnership, Inc. per deed recorded among said Land Records in Liber ABE 526 at Folio 466 and also to the Corporate Limits of the Town of Chesapeake Beach,

THENCE leaving said southern right-of-way line of Maryland Route 260 and running with said Four Brothers Land Partnership Property (ABE 526/466),

16. SOUTH 87° 28' 32" EAST – 441.25 FEET to the aforementioned eastern right-of-way line of Kent Branch Road (30' R/W),

THENCE running with said eastern right-of-way line of Kent Branch Road and the Western outline of the aforementioned property of Kent Branch, Inc. (ABE 402/144) the following 4 courses and distances, i.e.

THENCE with the arc of a curve to the left 223.11 feet, having a radius of 4,881.80 feet, and being scribed by a chord

17. SOUTH 04° 46' 29" WEST – 223.09 FEET to a point of reverse curvature,

THENCE with the arc of a curve to the right 246.45 feet, having a radius of 5,220.60 feet, and being scribed by a chord

18. SOUTH 04° 50' 04" WEST – 246.43 FEET to a point of reverse curvature,

THENCE with the arc of a curve to the right 67.99 feet, having a radius of 365.00 feet, and being scribed by a chord

19. SOUTH 00° 51' 01" WEST – 69.90 FEET to a point of tangency, thence

20. SOUTH 04° 29' 11" EAST – 63.86 FEET to the point of beginning.

CONTAINING 15.827 acres of land, more or less, as described in April, 1994 by McCrone, Inc., Registered Professional Engineers and Land Surveyors from deeds of record and surveys by others. (Res., March, 1963, sec. 2; Res. 1992-11, 11-1-92; Res. 1992-12, 1-17-93; Res. R-94-3, 6-5-94; Res. R-98-2, 3-7-99; P.L.L. 1963, sec. 8.)

SUBTITLE 3 The Council

Section C-301. Number; selection; term.

All legislative powers of the town shall be vested in a council consisting of six councilmen who shall be elected as hereinafter provided and who shall hold office for a term of four years or until the succeeding council takes office. Councilmen holding office at the time this Section of the Charter becomes effective shall continue to hold office and their regular term shall expire on the third Thursday in November following the election of their successors. After the election of 2008, the regular term of councilmen (including those elected in 2008) shall expire on the third Thursday in December following the election of their successors, or until the succeeding council takes office. (Res., March, 1963, sec. 3; Minutes of Commissioners' meeting of August 31, 1963; res. January 26, 1968; Res. 1992-14, 2-5-93; P.L.L. 1963, sec. 9; Res. R-07-15, 5-4-07.)

Section C-302. Qualifications.

Councilmen shall be qualified voters of the Town as defined in Section 27 (C-601). (Res., March, 1963, sec. 4; res. January 26, 1968; res. June 23, 1972; P.L.L. 1963, sec. 10.)

Section C-303. Meetings.

Except as provided for herein, the newly elected council shall meet at 8 p.m. on the third Thursday of November following its election for the purpose of organization, after which the council shall schedule a regular meeting on the third Thursday of each month. After the election of 2012 and all elections thereafter, the newly elected council shall meet at 8 p.m. on the third Thursday in December following its election for the purpose of organization, after which the council shall schedule a regular meeting on the third Thursday of each month. Special meetings shall be called by the town clerk upon the request of the Mayor or a majority of the members of the council. All meetings of the council shall be open to the public, subject to being closed to the public in accordance with the provisions of the Maryland Open Meetings Act, as amended. A special meeting may be designated as a work session, at which the public is not to be heard unless permitted by the president of the council. Except for meetings designated as a work session, residents of the town shall have the reasonable opportunity to be heard at any public meeting in regard to any municipal question, at the time and in the manner designated by the president of the council. (Res., March, 1963, sec. 6; minutes of Commissioners' meeting of August 31, 1963; res. January 26, 1968; Res. 1992-13, 2-5-93; P.L.L. 1963, sec. 11; Res. R-05-7, 2-3-06; Res. R-07-15, 5-4-07.)

Section C-304. Judge of qualifications of its members.

The council shall be the judge of the election and qualification of its members. (Res., March, 1963, sec. 7; P.L.L. 1963, sec. 12.)

Section C-305. President and vice-president.

The Mayor shall serve as president of the council. The mayor may take part in all discussions, but he shall be limited to voting only when necessary to break a tie vote of the council. The council shall elect a vice-president of the council from among its members who shall act as president of the council in the absence of the president of the council. (Res., March, 1963, sec. 8; minutes of Commissioners' meeting of August 31, 1963; res. January 26, 1968; P.L.L. 1963, sec. 13.)

Section C-306. Quorum.

A majority of the members of the council shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any other action taken without the favorable votes of a majority of the whole number of members elected to the council. (Res., March, 1963, sec. 9; P.L.L. 1963, sec. 14.)

Section C-307. Procedure.

The council shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution, or ordinance, or at any other time if required by any one member. The journal shall be open to public inspection. (Res., March, 1963, sec. 10; P.L.L. 1963, sec. 15.)

Section C-308. Vacancies.

Vacancies in the council shall be filled as provided in Section 40 (C-614) of this charter. (Res., March, 1963, sec. 11; P.L.L. 1963, sec. 16.)

Section C-309. Ordinances.

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the council held not less than six nor more than sixty days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In cases of emergency the above requirements may be suspended by the affirmative votes of five members of the council. Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of twenty calendar days following approval by the mayor or passage by the council over his veto, provided that no such ordinance shall become effective until seven days after the last required publication. A fair summary of each ordinance shall be published at least twice at not less than seven days interval in a newspaper or newspapers having general circulation in the municipality, and the entire ordinance shall also be posted in the Town Hall. An emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until approved by the mayor or passed over his veto by the council. (Res., March, 1963, sec. 12; res. July 28, 1972; P.L.L. 1963, sec. 17.)

Section C-310. Veto.

All ordinances passed by the council shall be promptly delivered by the clerk to the mayor for his approval or disapproval. If the mayor approves any ordinance, he shall sign it. If the mayor disapproves any ordinance, he shall not sign it. The mayor shall return all ordinances to the clerk within six days after delivery to him (including the days of delivery and return and excluding Sunday) with his approval or disapproval. Any ordinance approved by the mayor shall be law. Any ordinance disapproved by the mayor shall be returned to the clerk with a message stating the reasons for his disapproval. Upon receipt of any ordinance disapproved by the mayor, the clerk shall promptly deliver the ordinance and accompanying message stating the reasons for the mayor's disapproval to the members of the council. Any disapproved ordinance shall not become a law unless subsequently passed by a favorable vote of five-sixths of the whole council within thirty-five calendar days from the time of the return of the ordinance. If the mayor fails to return any ordinance within six days of its delivery as aforesaid, it shall be deemed to be approved by the mayor and shall become law in the same manner as an ordinance signed by him. (Res., March, 1963, sec. 13; P.L.L. 1963, sec. 18; Res. CAR-5-10, 10-8-10.)

Section C-311. Referendum.

If, before the expiration of twenty calendar days following approval of any ordinance by the mayor or passage of any ordinance over the mayor's veto, or seven days after the last required publication, whichever date is later, a petition is filed with the clerk-treasurer containing the signatures of not less than twenty per centum (20%) of the qualified voters of the town and requesting that the ordinance, or any part thereof, be submitted to a vote of the qualified voters of the town for their approval or disapproval, the council shall have the ordinance, or the part thereof requested for referendum, submitted to a vote of the qualified voters of the town at the next regular town election or, in the council's discretion, at a special election occurring before the next regular election. No ordinance, or the part thereof requested for referendum, shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance, or any part thereof, has not been submitted to the qualified voters within sixty days following receipt of the petition, then the operation of the ordinance, or the part thereof requested for referendum, shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance, or part thereof, disapproved by the voters, shall stand repealed. The provisions of this section shall not apply to any ordinance, or part thereof, passed under the authority of Section 64 (C-721), levying property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance, or any part thereof, levying special assessment charges under the provisions of Sections 94 and 95 (C-1101 and C-1102). The provisions of this section shall be self-executing, but the council may adopt ordinances in furtherance of these provisions and not in conflict with them. (Res., March, 1963, sec. 14; res., July 28, 1972; P.L.L. 1963, sec. 19.)

Section C-312. File of ordinances.

Ordinances shall be permanently filed by the clerk-treasurer and shall be kept available for public inspection. (Res., March, 1963, sec. 15; P.L.L. 1963, sec. 20.)

SUBTITLE 4

The Mayor

Section C-401. Selection; term.

The mayor shall be elected as hereinafter provided and shall hold office for a term of four years or until his successor is elected and qualified. The mayor holding office at the time this Section becomes effective shall continue to hold office for the term for which he was elected or until his successor takes office under the provisions of this charter. The mayor elected in 2008 shall take office on the third Thursday of November following his election and shall end his term on the third Thursday in December, 2012, or until his successor takes office under the provisions of this charter. The mayor elected in 2012, and each Mayor elected thereafter, shall begin his regular term on the third Thursday in December following his election and shall hold office until

the third Thursday in December following the election of his successor, or until his successor takes office under the provisions of this charter. (Res., March, 1963, sec. 16; res. January 26, 1968; Res. No. 1992-15, 2-5-93; P.L.L. 1963, sec. 21; Res. R-07-16, 5-4-07; See note (3).)

Section C-402. Qualifications.

The Mayor shall be a qualified voter of the Town as defined in Section 27 (C-601). (Res., March, 1963, sec. 17; res. January 26, 1968; res. June 23, 1972; P.L.L. 1963, sec. 22.)

Section C-403. Powers; duties.

(a) *Chief executive officer.* The mayor shall see that the ordinances of the town are faithfully executed and shall be the chief executive officer and the head of the administrative branch of the town government.

(b) *Appointment and removal of officers and employees.* The mayor, with the approval of the council, shall appoint the heads of all offices, departments, and agencies of the town government as established by this charter or by ordinance. All office, department, and agency heads shall serve at the pleasure of the mayor. All subordinate officers and employees of the offices, departments, and agencies of the town government shall be appointed and removed by the mayor, in accordance with rules and regulations in any merit system which may be adopted by the council.

(c) *Reports and recommendations to council.* The mayor each year shall report to the council the condition of municipal affairs and make such recommendations as he deems proper for the public good and the welfare of the town.

(d) *Veto.* The mayor shall have the power to veto ordinances passed by the council as provided in Section 18 (C-310).

(e) *Supervision of financial administration of government.* The mayor shall have complete supervision over the financial administration of the town government. He shall prepare or have prepared annually a budget and submit it to the council. He shall supervise the administration of the budget as adopted by the council. He shall supervise the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.

(f) *Other powers and duties.* The mayor shall have such other powers and perform such other duties as may be prescribed by this charter or as may be required of him by the council, not inconsistent with this charter. (Res., March, 1963, sec. 19; P.L.L. 1963, sec. 23.)

SUBTITLE 5 General Powers

Section C-501. Enumerated.

(1) *General powers.* The council shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this charter as it may deem necessary for the good government of the town; for the protection and preservation of the town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the town and visitors thereto and sojourners therein.

(2) *Specific powers.* The council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the following specific purposes:

(3) *Advertising.* To provide for advertising for the purposes of the town, for printing and publishing statements as to the business of the town.

(4) *Aisles.* To regulate and prevent the obstruction of aisles in public halls, churches and places of amusement, and to regulate the construction and operation of the doors and means of egress therefrom.

(5) *Amusements.* To provide in the interest of the public welfare for licensing, regulating, or restraining theatrical or other public amusements.

(6) *Appropriations.* To appropriate municipal monies for any purpose within the powers of the council.

(7) *Auctioneers.* To regulate the sale of all kinds of property at auction within the town and to license auctioneers.

(8) *Band.* To establish a municipal band, symphony orchestra or other musical organization, and to regulate by ordinance the conduct and policies thereof.

(9) *Billboards.* To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the city, the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole, or other place within the town.

(10) *Bridges.* To erect and maintain bridges.

(11) *Buildings.* To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the town, and to grant building permits for the same; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation

thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

(12) *Cemeteries.* To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.

(13) *Codification.* To provide for the codification of all ordinances which have been or may hereafter be passed.

(14) *Community services.* To provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the town.

(15) *Cooperative activities.* To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

(16) *Curfew.* To prohibit the youth of the town from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.

(17) *Dangerous conditions.* To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.

(18) *Departments.* To create, change, and abolish offices, departments, or agencies, other than the offices, departments, and agencies established by this charter; to assign additional functions or duties to offices, departments, or agencies established by this charter, but not including the power to discontinue or assign to any other office, department, or agency any function or duty assigned by this charter to a particular office, department, or agency.

(19) *Disorderly houses.* To suppress bawdy houses, disorderly houses and houses of ill fame.

(20) *Dogs.* To regulate the keeping of dogs in the town and to provide, wherever the county does not license or tax dogs, for the licensing and taxing of the same; to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.

(21) *Elevators.* To require the inspection and licensing of all elevators and to prohibit their use when unsafe or dangerous or without a license.

(22) *Explosives.* To regulate or prevent the storage of gunpowder, oil, or any other explosive or combustible matter; to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar things which may endanger persons or property.

(23) *Filth.* To compel the occupant of any premises, building or outhouse situated in the town, when the same has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owners or occupants to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.

(24) *Finances.* To levy, assess, and collect ad valorem property taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the town. Farm homes or residences shall be taxable under this law, using the same taxable base and coding of the Calvert County laws concerning the taxation of homes and residences on farm property.

(25) *Fire.* To suppress fires and prevent the dangers thereof and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the town; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of town fire-hazard regulations are met; to install and maintain fire plugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the town.

(26) *Food.* To inspect and to require the condemnation of, if unwholesome, and to regulate the sale of, any food products.

(27) *Franchises.* To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the town, subject, however, to the limitations and provisions of Article 23 of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty years.

(28) *Garbage.* To prevent the deposit of any unwholesome substance either on private or public property, and to compel its removal to designated points; to require slops, garbage, ashes and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

(29) *Grants-in-aid.* To accept gifts and grants of federal or of State funds from the Federal or State governments or any agency thereof, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made.

(30) *Hawkers.* To license, tax, regulate, suppress and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers and all other persons selling any articles on the streets of the town, and to revoke such licenses for cause.

(31) *Health.* To protect and preserve the health of the town and its inhabitants; to appoint a public health officer, and to define and regulate his powers and duties; to prevent the introduction of contagious diseases into the town; to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases; to

prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health; provided, that nothing herein shall be construed to affect in any manner any of the powers and duties of the State Board of Health, the county board of health, or any public general or local law relating to the subject of health.

(32) *House numbers.* To regulate the numbering of houses and lots and to compel owners to renumber the same or in default thereof to authorize and require the same to be done by the town at the owner's expense, such expense to constitute a lien upon the property collectible as tax monies.

(33) *Jail.* To establish and regulate a station house or lock-up for temporary confinement of violators of the laws and ordinances of the town or to use the county jail for such purpose.

(34) *Licenses.* Subject to any restrictions imposed by the public general laws of the State, to license and regulate all persons beginning or conducting transient or permanent business in the town for the sale of any goods, wares, merchandise, or services; to license and regulate any business, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this charter.

(35) *Liens.* To provide that any valid charges, taxes or assessments made against any real property within the town shall be liens upon such property, to be collected as municipal taxes are collected.

(36) *Lights.* To provide for the lighting of the town.

(37) *Livestock.* To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs or other animals; to authorize the impounding, keeping, sale and redemption of such animals when found in violation of the ordinance in such cases provided.

(38) *Markets.* To obtain by lease or rent, own, construct, purchase, operate, and maintain public markets within the town.

(39) *Minor privileges.* To regulate or prevent the use of public ways, sidewalks, and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements, and display of goods, wares, and merchandise.

(40) *Noise.* To regulate or prohibit unreasonable ringing of bells, crying of goods or sounding of whistles and horns.

(41) *Nuisances.* To prevent or abate by appropriate ordinance all nuisances in the town which are so defined at common law, by this charter, or by the laws of the State of Maryland, whether the same be herein specifically named or not; to regulate, to prohibit, to control the location of, or to require the removal from the town of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the

public comfort or health. In this connection the town may regulate, prohibit, control the location of, or require the removal from the town of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries, and renderies. This listing is by way of enumeration, not limitation.

(42) *Obstructions.* To remove all nuisances and obstructions from the streets, lanes and alleys and from any lots adjoining thereto, or any other places within the limits of the town.

(43) *Parking facilities.* To license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate, and maintain parking lots and other facilities for off street parking.

(44) *Parking meters.* To install parking meters on the streets and public places of the town in such places as they shall by ordinance determine, and by ordinance to prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street road maintained by the State Roads Commission of Maryland must first be approved by the Commission.

(45) *Parks and recreation.* To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the town.

(46) *Police force.* To establish, operate, and maintain a police force. All town policemen shall, within the municipality, have the powers and authority of constables in this State.

(47) *Police powers.* To prohibit, suppress, and punish within the town all vice, gambling, and games of chance; prostitution and solicitation therefor and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness.

(48) *Property.* To acquire by conveyance, purchase or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the town and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty days' public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds and property of the town.

(49) *Quarantine.* To establish quarantine regulations in the interests of the public health.

(50) *Regulations.* To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking, and other similar regulations not in conflict with the laws of the State of Maryland or with this charter.

(51) *Sidewalks.* To regulate the use of sidewalks and all structures in, under or above the same; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions; to prescribe hours for cleaning sidewalks.

(52) *Sweepings.* To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids, or other unwholesome materials into any public way or onto any public or private property in the town.

(53) *Taxicabs.* To license, tax and regulate public hackmen, taxicab men, draymen, drivers, cabmen, porters and expressmen, and all other persons pursuing like occupations.

(54) *Vehicles.* To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.

(55) *Voting machines.* To purchase, lease, borrow, install and maintain voting machines for use in town elections.

(56) *Zoning.* To exercise the powers as to planning and zoning, conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland, subject, however, to the limitations and provisions of said Article.

(57) *Saving Clause.* The enumeration of powers in this section is not to be construed as limiting the powers of the town to the several subjects mentioned. (Res., March, 1963, sec. 20; res. January 26, 1968; res. September 24, 1971; P.L.L. 1963, sec. 24.)

Section C-502. Exercise of powers.

For the purpose of carrying out the powers granted in this subtitle or elsewhere in this charter, the council may pass all necessary ordinances. All the powers of the town shall be exercised in the manner prescribed by this charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance. (Res., March, 1963, sec. 21; P.L.L. 1963, sec. 25.)

Section C-503. Misdemeanors.

To ensure the observance of Ordinances and Resolutions of the Town, the Town Council shall have the power to provide that violations thereof shall be punishable as misdemeanors unless the violation is declared to be a felony by State law or otherwise specified as a municipal [municipal] infraction but no penalty shall exceed a fine of \$1,000.00 and imprisonment for six (6) months. Any person subject to any fine, forfeiture, or penalty has the right of appeal as is provided under the general laws of the State. Where the act or omission is of a continuing nature and is persisted in, a conviction for one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction. (Res., March, 1963, sec. 22; Res. 78-2, August 25, 1978; Res. 2-90, October 5, 1990; Res. R-93-6, 2-4-94; P.L.L. 1963, sec. 26.)

Section C-504. Municipal Infractions.

1. The Council may provide that violations of any municipal Ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the State or other Ordinance. A municipal infraction is a civil offense.

2. A fine not to exceed \$1,000.00 may be imposed for each municipal infraction. If a citation is served without a summons, the fine is payable to the municipality by the person charged in the citation within 20 calendar days of service of a citation. If a citation is served with a summons, the fine is payable to the municipality by the person charged in the citation on or before the date set forth in the citation.

3. If a citation is served without a summons, the person charged in the citation may elect to stand trial for the offense by notifying the Town in writing of the person's intent to stand trial. The written notice shall be given at least 5 days prior to the date of payment as set forth in the citation. Failure to pay the fine on or before the date set forth in the citation or failure to provide timely notice of the intent to stand trial shall make the person charged liable for the assessed fine and the municipality may double the fine in an amount not to exceed \$1,000.00. Any person served with a summons and citation who fails to pay the fine as provided in the citation and fails to appear in District Court as provided in the summons, shall be liable for the assessed fine and the municipality may double the fine in an amount not to exceed \$1,000.00.

4. Adjudication of a municipal infraction is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction. (Res. 78-2, August 25, 1978; Res. 3-90, October 5, 1990; Res. R-93-5, 2-4-94.)

Section C-505. Civil Code Violations.

The Town Council may provide by ordinance that the violation of a municipal law shall be a civil code violation and subject the offender to a civil fine, to the extent the town is given the statutory authority under Maryland law to impose civil fines for violations of the subject matter regulated by the municipal law. Any civil fines provided pursuant to this section shall be limited to any amount set forth in the statutory authorization of the Maryland Annotated Code and shall be imposed in a manner consistent with the scope and limitations provided by the statutory authorization. The provisions of this section shall not apply to any civil offense which is defined by Maryland law to be a municipal infraction. The citation, prosecution, and punishment of civil code violations authorized by this section shall be performed in the same manner as a municipal infraction, except as specifically modified by the statutory authorization of Maryland law upon which the civil code violation is based. (Res. No. R-04-5, 2-4-05.)

SUBTITLE 6

Registration, Nominations, and Elections

Section C-601. Qualifications of voters.

Every person who, (1) is a citizen of the United States, (2) is at least eighteen years of age, (3) is a resident of the Town, and (4) is registered in accordance with the provisions of this Charter, shall be a qualified voter of the Town. Every qualified voter of the Town shall be entitled to vote at any or all Town elections. (Res., March, 1963, sec. 23; res. September 24, 1971; res. June 23, 1972; res. 6-90, October 5, 1990; P.L.L. 1963, sec. 27.)

Section C-602. Board of elections.

There shall be a board of elections, consisting of three members who shall be appointed by the mayor with the approval of the council on or before the first Monday in March in every fourth even numbered year. At the time of appointment, the mayor shall designate one member as chairman. The terms of members of the board of elections shall begin on the first Monday in March in the year in which they are appointed and shall run for four years. Members of the board of elections shall be qualified voters of the town and shall not hold or be candidates for any elective office during their term of office. Vacancies on the board of elections shall be filled by the mayor with the approval of the council for the remainder of the unexpired term. The compensation of the members of the board of elections shall be determined by ordinance or resolution of the council. (Res., March, 1963, sec. 24; res. January 26, 1968; P.L.L. 1963, sec. 28; Res. R-07-3, 5-4-07.)

Section C-603. Removal of members.

Any member of the board of elections may be removed for good cause, by a resolution of the town council. The council shall provide the member to be removed with a written statement of the reasons for removal and inform him of his right to a public hearing. The member to be removed may request that the council conduct a public hearing on the issue of removal, by making a written request for hearing and delivering it to the town clerk within five days after his receipt of the written statement of reasons for removal. Upon receiving a request for a hearing, the council shall schedule a public hearing within 30 days. At the hearing, the council shall allow the member and the public to be heard on the issue of removal and may either reconsider its earlier resolution of removal or sustain the removal. (Res., March, 1963, sec. 25; P.L.L. 1963, sec. 29; Res. R-07-4, 5-4-07.)

Section C-604. General duties and powers of board of elections.

The board of elections shall be responsible for the administration of all town elections, including the registration of voters, qualifying the nomination of candidates, canvassing the votes, declaring and certifying the results of elections, preparing and supervising voter education programs, conducting recounts, adjudicating challenges and election contests, conducting recounts, and enforcing the provisions of Subtitle 6 of the Charter and the election ordinances of

the Town Council. The board may appoint election clerks or other employees to assist it in any of its duties. (Res., March, 1963, sec. 26; P.L.L. 1963, sec. 30; Res. R-07-5, 5-4-07.)

Section C-605. Notice of registration days and elections.

The board of elections shall give at least two weeks notice of every registration day and every election by an advertisement published in at least one newspaper of general circulation in the town and by posting a notice thereof in some public place or places in the town, and such other places as they may deem necessary. (Res., March, 1963, sec. 27; P.L.L. 1963, sec. 31; Res. R-07-6, 5-4-07.)

Section C-606. Registration.

No person shall be entitled to vote in town elections unless he or she is registered. Application for registration shall be available through the Maryland universal registration system or through direct application to the Town. It shall be the duty of the board of elections to keep the registration list up to date by striking from the lists the names of persons known to have died or who otherwise no longer meet the qualifications to vote. The council is hereby authorized to adopt, by ordinance, any provisions necessary to establish and maintain a system of registration. There shall be registration days to coincide with national or state registration days. If necessary for the performance of registration or the convenience of the citizens of the town, the mayor may designate additional days as registration days. Persons who are under guardianship for mental disability, have been convicted of buying or selling votes, have been convicted of a second or subsequent crime of violence, or convicted of theft or other infamous crime shall not be entitled to register to vote and shall not be entitled to vote. The council may, by ordinance, define which crimes constitute infamous crimes and may establish exceptions, qualifications, or reprieves for the disqualification to register and vote for persons convicted of theft or other infamous crimes. (Res., March, 1963, sec. 28; minutes of Commissioners' meeting of August 31, 1963; res. January 26, 1968; P.L.L. 1963, sec. 32; Res. R-07-8, 5-4-07.)

Section C-607. Challenges, Recounts, Appeals.

The board of elections shall be responsible for administering and determining all election controversies, including challenges and recounts. If any person is aggrieved by a final action or final determination of the board of elections, such person may appeal to the Circuit Court for Calvert County within thirty days of the action or decision. (Res., March, 1963, sec. 29; P.L.L. 1963, sec. 33; Res. R-07-9, 5-4-07.)

Section C-608. Nomination for public office.

Persons eligible to hold public office in the town may be nominated by filing a written certificate of nomination with the town clerk, in the form required by ordinance. The town clerk shall immediately forward the certificate of nomination to the board of elections. To qualify for nomination, a certificate of nomination must be filed at least forty-five (45) days prior to the election. At least forty (40) days prior to the election, the board of elections shall certify that each person nominated is eligible to hold public office and upon such certification, the

nomination shall be accepted. No person shall be eligible for nomination to more than one elective town public office or hold more than one elective town public office at any one time. (Res., March, 1963, sec. 30; minutes of Commissioners' meeting of August 31, 1963; res. January 26, 1968; P.L.L. 1963, sec. 34; Res. R-07-10, 5-4-07.)

Section C-609. Election of mayor and councilmen.

On the Tuesday next after the first Monday in the month of November in every fourth even numbered year, the qualified voters of the town shall elect one person as mayor and six persons as councilmen to serve for terms of four years. (Res., March, 1963, sec. 31; minutes of Commissioners' meeting of August 31, 1963; res. January 26, 1968; P.L.L. 1963, sec. 35.)

Section C-610. Conduct of elections.

It shall be the duty of the board of elections to provide a suitable place or places for voting, suitable ballots and voting machines for each special and general election. The voting machines used shall be those authorized by the council and may be electronic. The ballots or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this charter, arranged in alphabetical order by office with no party designation of any kind. The council shall regulate, by ordinance, the hours during which the polls shall be kept open, but at a minimum they shall remain open during the hours that polls are scheduled to be open for the general elections of the State of Maryland. The council shall provide, by ordinance, the conditions upon which the board of elections may keep a polling station open for additional time. (Res., March, 1963, sec. 32; P.L.L. 1963, sec. 36; Res. R-07-11, 5-4-07.)

Section C-611. Special elections.

All special town elections shall be conducted by the board of elections in the same manner and with the same personnel, as far as practicable, as regular town elections. (Res., March, 1963, sec. 33; P.L.L. 1963, sec. 37; Res. R-07-6, 5-4-07.)

Section C-612. Vote count.

Within seventy-two (72) hours after the closing of the polls, the board of elections shall determine the votes cast for each candidate or question and shall certify the results of the election to the town clerk, who shall record the results in the minutes of the council. The candidate for mayor with the highest number of votes in the said election shall be declared elected as mayor. The six candidates for councilman with the highest number of votes in the said election shall be declared elected as councilmen. (Res., March, 1963, sec. 34; P.L.L. 1963, sec. 38; Res. R-07-7, 5-4-07; Res. CAR-4-10, 7-10-10.)

Section C-613. Preservation of records.

The council shall establish, by ordinance, a system for preserving the records of each election, including designating the time for which records must be preserved. The board of

elections shall supervise the preservation of records and administer the system established by the council. (Res., March, 1963, sec. 35; P.L.L. 1963, sec. 39; Res. R-07-12, 5-4-07.)

Section C-614. Vacancies.

In case of a vacancy on the council for any reason, the council shall elect some qualified person to fill such vacancy for the unexpired term. In case of a vacancy in the office of mayor for any reason, the council shall elect some qualified person to fill the vacancy for the remainder of the unexpired term. Any vacancies on the council or in the office of mayor shall by [be] filled by the favorable votes of a majority of the remaining members of the council. The results of any such vote shall be recorded in the minutes of the council. (Res., March, 1963, sec. 36; P.L.L. 1963, sec. 40.)

Section C-615. Women.

Women shall have equal privileges with men in registering, voting, and holding town offices. Whenever the masculine gender has been used as to any registering, voting, or holding town office, it shall be construed to include the feminine gender. (Res., March, 1963, sec. 37; P.L.L. 1963, sec. 41.)

Section C-616. Regulation and control by council.

The council shall have the power to provide, by ordinance, for the regulation and administration of every aspect of town elections, for the prevention of fraud in connection therewith, for a recount of ballots in case of doubt or fraud, and for the enforcement of such ordinances, consistent with the requirements of this charter. (Res., March, 1963, sec. 38; P.L.L. 1963, sec. 42; Res. R-07-13, 5-4-07.)

Section C-617. Penalties – Repealed.

(Res., March, 1963, sec. 39; P.L.L. 1963, sec. 43; Res. R-07-14, 5-4-07.)

SUBTITLE 7

Finance

Section C-701. Treasurer.

There shall be a Treasurer. He shall serve at the pleasure of the Mayor. His compensation shall be determined by the Council. The Treasurer shall be the chief financial officer of the town. The financial powers of the town, except as otherwise provided by this charter, shall be exercised by the Treasurer under the direct supervision of the Mayor. (Res., March, 1963, sec. 40; res. September 24, 1971; P.L.L. 1963, sec. 44.)

Section C-702. Same; powers and duties.

(a) *Listed.* Under the supervision of the mayor, the Treasurer shall have authority and shall be required to:

(b) *Budget.* Prepare at the request of the mayor an annual budget to be submitted by the mayor to the council.

(c) *Expenditures.* Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.

(d) *Accounts.* Maintain a general accounting system for the town in such form as the council may require, not contrary to State law.

(e) *Reports.* Submit at the end of each fiscal year, and at such other times as the council may require, a complete financial report to the council through the mayor.

(f) *Assessments.* Ascertain that all taxable property within the town is assessed for taxation.

(g) *Collections.* Collect all taxes, special assessments, license fees, liens, and all other revenues (including utility revenues) of the town, and all other revenues for whose collection the town is responsible, and receive any funds receivable by the town.

(h) *Custody of moneys.* Have custody of all public moneys, belonging to or under the control of the town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the town.

(i) *Other duties.* Do such other things in relation to the fiscal or financial affairs of the town as the mayor or the council may require or as may be required elsewhere in this charter. (Res., March, 1963, sec. 41; P.L.L. 1963, sec. 45.)

Section C-703. Town clerk.

There shall also be a town clerk. (Res., March, 1963, sec. 41A; P.L.L. 1963, sec. 46.)

Section C-704. Treasurer; bond.

The Treasurer shall provide a bond with such corporate surety and in such amount as the council by ordinance may require. (Res., March, 1963, sec. 42; P.L.L. 1963, sec. 47.)

Section C-705. Fiscal year.

The town shall operate on an annual budget. The fiscal year of the town shall begin on the first day of July and shall end on the last day of June in each year. Such fiscal year shall

constitute the tax year, the budget year, and the accounting year. (Res., March, 1963, sec. 43; P.L.L. 1963, sec. 48.)

Section C-706. Budget.

The mayor, on such date as the council by ordinance shall determine, but at least thirty-two days before the beginning of any fiscal year, shall submit a budget to the council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the clerk-treasurer, open to public inspection by anyone during normal business hours. (Res., March, 1963, sec. 44; P.L.L. 1963, sec. 49.)

Section C-707. Same; adoption.

Before adopting the budget the council shall hold a public hearing thereon after two weeks' notice thereof in some newspaper or newspapers having general circulation within the municipality. The council may insert new items or may increase or decrease the items of the budget. Where the council shall increase the total proposed expenditures it shall also increase the total anticipated revenues in an amount at least equal to such total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the total elected membership of the council shall be necessary for adoption. (Res., March, 1963, sec. 45; P.L.L. 1963, sec. 50.)

Section C-708. Appropriations.

No public money may be expended without having been appropriated by the council. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein. (Res., March, 1963, sec. 46; P.L.L. 1963, sec. 51.)

Section C-709. Transfer of funds.

Funds appropriated for each annual budget shall not be expended or transferred for any purpose other than that for which appropriated, unless approved by a two-thirds vote of all elected Council members. (Res., March, 1963, sec. 47; Res. 4-90, 10/5/90; P.L.L. 1963, sec. 52.)

Section C-710. Over-expenditures forbidden.

No officer or employee shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this charter. Any contract, verbal or written, made in violation of this charter shall be null and void. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of

contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law. (Res., March, 1963, sec. 48; P.L.L. 1963, sec. 53.)

Section C-711. Appropriations lapse after one year.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. Any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year. (Res., March, 1963, sec. 49; P.L.L. 1963, sec. 54.)

Section C-712. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Treasurer. (Res., March, 1963, sec. 50; P.L.L. 1963, sec. 55.)

Section C-713. Taxable property.

All real property, and all tangible personal property within the corporate limits of the town, or personal property which may have a situs there by reason of the residence of the owner therein, shall be subject to taxation for municipal purposes, and the assessment used shall be the same as that for state and county taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by any act of the General Assembly. (Res., March, 1963, sec. 51; res. January 26, 1968; res. September 24, 1971; P.L.L. 1963, sec. 56.)

Section C-714. Budget authorizes levy.

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax shall constitute a determination of the amount of the tax levy in the corresponding tax year. (Res., March, 1963, sec. 52; P.L.L. 1963, sec. 57.)

Section C-715. Notice of tax levy.

Immediately after the levy is made by the council in each year, the clerk-treasurer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the town. He shall make out and mail or deliver in person to each taxpayer or his agent at his last known address a bill or account of the taxes due from him. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this charter all taxes levied on his property. (Res., March, 1963, sec. 53; P.L.L. 1963, sec. 58.)

Section C-716. When taxes are overdue.

(a) Except as provided for in subsection (b), the taxes provided for in Section C-714 of this charter shall be due and payable on the first day of July in the year for which they are

levied and shall be overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at the rate of one percent (1%) for each month or fraction of a month until paid. All taxes not paid and in arrears after the first day of the second January following the year for which the taxes are levied shall be collected as provided in Section C-717 of this charter.

(b) The owner of an owner-occupied residential property may elect to pay the taxes provided for in Section C-714 of this charter on a semiannual basis.

(1) *Election of schedule.* A semiannual payment schedule under this subsection may be elected at the time of the transfer of property or on an annual basis, by any current or future owner of owner-occupied residential property. A semiannual payment schedule election made at the time of the transfer of property shall apply to the property tax due for the tax year following the transfer of the property.

(2) *Service charge.* A property owner electing to pay real property taxes under a semiannual payment schedule authorized by this subsection (b) shall pay a service charge with the second installment. The service charge shall be adopted by the Town as part of the adoption of the property tax rate under Section C-714 of this charter, and shall be expressed as a percentage of the amount of tax due at the second installment. The service charge shall be shown on the tax bill as a percent and actual dollar amount charged. The service charge shall be calculated in an amount reasonably equivalent to the anticipated lost interest income associated with the delay in payment of the second installment and the addition of administrative expenses associated with the semiannual payment, not exceeding twenty-five percent 25% of the charge for lost interest. The service charge shall not be considered to be a property tax for the purposes of any provisions of any public local law or this charter that limits the property tax rate or property tax revenues.

(3) *Contents of a semiannual property tax bill.* The property tax bill under a semiannual schedule shall include two semiannual payment coupons that may be submitted either separately with the appropriate payment as semiannual payments or at the same time with a single annual payment, and shall state:

(i) The amount of the tax due if paid in full, including any applicable discounts for early payment;

(ii) The amount of the tax due if paid in semiannual installments, including any applicable discounts for early payment of the first installment;

(iii) The amount of the service charge to be paid with the second installment;

(iv) The date the tax payment is due.

(4) *Payment due date.* The first installment under a semiannual schedule is due on July 1st of the tax year and may be paid without interest on or before September 30th of

the tax year. The second installment under a semiannual schedule is due on January 1st of the tax year and except for the service charge, may be paid without interest on or before January 31st of the tax year.

(5) *Payment from escrow account.* If an escrow account is established for the payment of the property tax, the tax shall be paid in annual or semiannual installments as directed by the owner or borrower. Nothing in this subsection (5) relieves the owner or borrower from making the election required by subsection (b)(1). (Res., March, 1963, sec. 54; res. January 26, 1968; res. January 28, 1972; Res. No. R-45-87, 5-9-87; Res. No. R-96-1, 4-18-96; P.L.L. 1963, sec. 59.)

Section C-717. Sale of tax delinquent property.

A list of all property on which the town taxes have not been paid and which are in arrears as provided by Section 59 (C-716) of this charter shall be turned over by the clerk-treasurer to the official of the county responsible for the sale of tax delinquent property as provided in state law. All property listed thereon shall if necessary be sold for taxes by this county official, in the manner prescribed by state law. (Res., March, 1963, sec. 55; P.L.L. 1963, sec. 60.)

Section C-718. Fees.

All fees received by an officer or employee of the town government in his official capacity shall belong to the town government and be accounted for to the town. (Res., March, 1963, sec. 56; P.L.L. 1963, sec. 61.)

Section C-719. Audit.

The financial books and accounts of the town shall be audited annually as required by Section 40 of Article 19 of the Annotated Code of Maryland. (Res., March, 1963, sec. 57; P.L.L. 1963, sec. 62.)

Section C-720. Tax anticipation borrowing.

During the first six months of any fiscal year, the town shall have the power to borrow in anticipation of the collection of the property tax levied for that fiscal year, and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than six months after the beginning of the fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the town to exceed fifty per centum (50%) of the property tax levy for the fiscal year in which such notes or other evidences of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes. (Res., March, 1963, sec. 58; P.L.L. 1963, sec. 63.)

Section C-721. Authority for borrowing; payment of indebtedness.

(a) The town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds, notes or other evidences of indebtedness in the manner prescribed in this section.

(b) As determined by and provided in the authorizing ordinance of the council, the bonds, notes or other evidences of indebtedness of the town may be issued and sold:

(1) By private (negotiated) sale without advertisement or solicitation of competitive bids or by the solicitation of competitive bids at public sale after publication of the notice of sale in the manner prescribed by public general law;

(2) For a price or prices which may be at, above or below the par value of the bonds, notes, or other evidences of indebtedness;

(3) At a rate of interest or rates of interest that may be fixed or variable or may be determined by a method approved by the council; and

(4) For either cash or other valuable consideration;

(c) The town may enter into agreements with agents, banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of or as security for the bonds, notes or other evidences of indebtedness and for securing any tender option granted to holders thereof.

(d) The power and obligation of the town to pay any and all bonds, notes or other evidences of indebtedness issued by it under the authority of this section shall be unlimited and the town shall levy ad valorem taxes upon all the taxable property of the town for the payment of such bonds, notes or other evidences of indebtedness and interest thereon, without limitation as to rate or amount. The full faith and credit of the town is hereby pledged for the payment of the principal of and the interest on all bonds, notes or other evidences of indebtedness, hereafter issued under the authority of this section, whether or not such pledge be stated in the bonds, notes or other evidences of indebtedness, or in the ordinance authorizing their issuance. (Res. No. 1988-01, April 8, 1988.)

Section C-722. Previous issues.

All bonds, notes, or other evidences of indebtedness validly issued by the town previous to the effective date of this charter and all ordinances passed concerning them are hereby declared to be valid, legal, and binding and of full force and effect as if herein fully set forth. (Res., March, 1963, sec. 60; P.L.L. 1963, sec. 65.)

Section C-723. Purchasing and contract.

Expenditures for supplies, materials, equipment, contractual services and other ordinary and necessary expenditures involving less than Five Thousand Dollars (\$5,000.00) may be made on the sole authority of the Treasurer.

All expenditures of more than Five Thousand Dollars (\$5,000.00) shall be made on written contract and shall be made upon Council approval. For all expenditures under Sixty Thousand Dollars (\$60,000), the Treasurer, in consultation with the appropriate professionals, shall solicit bids or proposals for the cost thereof, by giving notice by mail, telephone, or other appropriate means, to such businesses/persons as the Treasurer may select in order to discourage uniform bidding and to obtain as full and open a competition as possible. At least three such bids or proposals shall be secured whenever possible.

On all written contracts involving an expenditure of more than Sixty Thousand Dollars (\$60,000.00), the Treasurer, in consultation with appropriate professionals, shall be required to utilize the formal procedure of competitive bidding and shall publish an advertisement in a newspaper of general circulation in the Town/County for sealed bids based on Town specifications for the work/services. Insofar as it is possible, the written quotations or offers of at least three businesses/persons shall be obtained. Bids shall be submitted sealed to the Treasurer and identified as bids on the envelope. When deemed necessary by the Town, deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to a return of their bid deposits where the Town has required such. In any case, where a successful bidder fails to execute a contract within twenty (20) days after the award, his bid deposit shall be taken and considered as liquidated damages, and not as a penalty, for failure of such bidder to execute said contract. Upon the proper execution of such contract by a successful bidder, his bid deposit shall be returned to him. The advertisement required to be published by this section shall be published not less than two times, at weekly intervals; and the award of such contracts shall be made to the lowest responsible bidder following the public opening of bids.

All purchases/contracts for which bids are solicited pursuant to this section shall be awarded, with Council approval, to the "lowest responsible bidder." In awarding any such contract, the Council may, in addition to price, consider:

- (1) the ability, capacity and skill of the bidder to perform the contract or provide the service required;
- (2) whether the bidder can perform the contract or provide the service promptly or within the time specified, without delay or interference;
- (3) the character, integrity, reputation, judgment, experience and efficiency of the bidder;
- (4) the quality of performance of previous contracts or services;

(5) the previous and existing compliance by the bidder with laws and ordinances relating to the contract/service;

(6) the sufficiency of the financial resources and ability of the bidder to perform the contract or provide the services;

(7) the ability of the bidder to provide future maintenance and service for the use of the subject of the contract;

(8) such other information as may be secured by the Treasurer/Council having a bearing on the decision to award the contract.

If two or more bidders shall be tied for the lowest bid, quality and service being equal, the contract shall be awarded to a local bidder. If there be no local bidder, or more than one local bidder, the Treasurer shall award the contract to one of the tied bidders by drawing lots in public.

The Council shall have the right to reject all bids and re-advertise. The Council also reserves the right to waive any informalities in the formal bidding procedure for good cause. The Town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising for (or re-advertising for) or receiving bids. All written contracts shall be protected by such bonds, penalties and conditions as the Council may require.

In order to achieve price discounts and utilize economically beneficial procurement systems as an alternative to competitive bidding, the Town, subject to the Council's approval, shall have the authority to replace the competitive bidding required by this Section with the following procurement systems for the procurement of specific goods and services or an identifiable class of goods and services:

(1) Join or participate in intergovernmental purchasing cooperatives.

(2) Utilize the prices and terms obtained by competitive bidding conducted by other public agencies, counties or municipalities within the United States of America.

In cases of emergency, purchases may be made and contracts entered into without resort to the provisions of this section. An "emergency," for purposes of this section, shall be deemed to exist when a breakdown in machinery and/or a threatened or actual termination of essential services or a dangerous condition affecting life or property develops. Under such emergency circumstances, the Treasurer shall, however, whenever practical, secure competitive telephone bids and order delivery to be made by the lowest responsible bidder. The Treasurer shall also, not later than the next regular business day thereafter, submit to the Council a tabulation of bids received, if any, and a written explanation of the circumstances of the emergency.

The provisions of this section shall not apply to services furnished by Town employees, to professional services, or to such services which are in their nature unusual and not subject to competition. (Res. No. R-39-86, 12-6-86; Res. 5-90, 10-5-90; Res. No. R-02-3, 9-6-02; Res.

No. R-03-4, 10-10-03; Res., March, 1963, sec. 61; P.L.L. 1963, sec. 66; Res. 10-28-83-2, 12-17-83; Res. R-07-19; 11-9-07.)

Section C-724. Borrowing Between Funds.

Notwithstanding the provisions of Sections C-708, C-709, C-710 and C-711 of the Charter, upon the passage of an ordinance by the affirmative vote of a majority of the Town Council, the Town shall be authorized to borrow money from one fund of the Town and to deliver the money so borrowed to another fund of the Town, so long as the ordinance identifies the terms and conditions of repayment, including any interest to be charged to the borrowing fund. The borrowing between funds authorized by this Section shall be permitted even if the terms and conditions of repayment provide that repayment shall occur in different budget years. Nothing in this Section shall authorize the Town to borrow money from a fund that has been lawfully encumbered. (Res. No. 03-05, 12-5-03.)

SUBTITLE 8

Personnel

Section C-801. Clerk to council.

The clerk shall serve as clerk to the council. He shall attend every meeting of the council and keep a full and accurate account of the proceedings of the council. He shall keep such other records and perform such other duties as may be required by this charter or the council. (Res., March, 1963, sec. 62; P.L.L. 1963, sec. 67.)

Section C-802. Town attorney.

The mayor with the approval of the council may appoint a town attorney. The town attorney shall be a member of the bar of the Maryland Court of Appeals. The town attorney shall be the legal adviser of the town and shall perform such duties in this connection as may be required by the council or the mayor. His compensation shall be determined by the council. The town shall have the power to employ such legal consultants as it deems necessary from time to time. (Res., March, 1963, sec. 63; P.L.L. 1963, sec. 68.)

Section C-803. Authority to employ personnel.

The town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this charter or other state law and to operate the town government. (Res., March, 1963, sec. 64; P.L.L. 1963, sec. 69.)

Section C-804. Merit system authorized.

The town shall provide by ordinance for appointments and promotions in the administrative service on the basis of merit and fitness. To carry out this purpose the council shall have the power to adopt such rules and regulations governing the operation of a merit

system as it deems desirable or necessary. Among other things these rules and regulations shall provide for competitive examinations, the use of eligible lists, a classification plan, a compensation plan, a probation period, appeals by employees included within the classified service from dismissal or other disciplinary action, and vacation and sick leave regulations. (Res., March, 1963, sec. 65; res. January 26, 1968; P.L.L. 1963, sec. 70.)

Section C-805. Unclassified and classified service.

(a) *Civil service divided into unclassified and classified service.* The civil service of the town shall be divided into the unclassified and classified service.

(b) *Unclassified service.* The unclassified service shall comprise the following offices and positions, which shall not be included within the merit system.

(1) The Mayor, the Councilmen, and persons appointed to fill vacancies in these positions.

(2) The heads of all offices, departments, and agencies and members of town boards and commissions who are elected officials or are appointed by the elected officials to committees or commissions at annual salaries of less than \$3,500.00.

(3) Part-time, temporary, and unpaid offices and positions.

(c) *Classified service.* The classified service shall comprise all positions not specifically included by this section in the unclassified service. All offices and positions included in the classified service shall be subject to any merit system rules and regulations which may be adopted. (Res., March, 1963, sec. 66; res. September 24, 1971; P.L.L. 1963, sec. 71.)

Section C-806. Prohibitions and penalties.

(a) *Prohibitions.* No person in the classified service of the town or seeking admission thereto shall be appointed, promoted, demoted, removed, or in any way favored or discriminated against because of his political or religious opinions or affiliations or any other factors not related to ability to perform the work; no person shall wilfully or corruptly commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions of this charter or of the rules and regulations made thereunder; no officer or employee in the classified service of the town shall continue in such position after becoming a candidate for nomination or election to any public office; no person seeking appointment to or promotion in the classified service of the town shall either directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or on account of or in connection with his appointment, proposed appointment, promotion, or proposed promotion; no person shall orally, by letter or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution for any political party or political purpose whatever from any person holding a position in the classified service of the town; no person holding a position in the classified service of the town shall make any contribution to the campaign funds of any political party or any candidate for public office or take any part in the management, affairs, or political campaign

of any political party or candidate for public office, further than in the exercise of his right as a citizen to express his opinion and to cast his vote.

(b) *Penalties.* Any person who by himself or with others wilfully or corruptly violates any of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars (\$100.00), or by imprisonment for a term not exceeding thirty days, or by both such fine and imprisonment. Any person who is convicted under this section shall for a period of five years be ineligible for appointment to or employment in a position in the town service, and shall, if he be an officer or employee of the town, immediately forfeit the office or position he holds. (Res., March, 1963, sec. 67; res. January 26, 1968; P.L.L. 1963, sec. 72.)

Section C-807. Retirement system.

The town shall have the power to do all things necessary to include its officers and employees, or any of them, within any retirement system or pension system under the terms of which they are admissible, and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the town. (Res., March, 1963, sec. 68; P.L.L. 1963, sec. 73.)

Section C-808. Compensation of employees.

The compensation of all officers and employees of the town shall be set from time to time by an ordinance passed by the council, subject to the restrictions imposed upon establishing the salaries of the councilmen and mayor. (Res., March, 1963, sec. 69; P.L.L. 1963, sec. 74.)

Section C-809. Employee benefit programs.

The town is authorized and empowered, by ordinance, to provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees, and to expend public monies of the town for such programs. (Res., March, 1963, sec. 70; P.L.L. 1963, sec. 75.)

SUBTITLE 9

Public Ways

Section C-901. Definition.

The term "public ways" as used in this charter shall include all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys. (Res., March, 1963, sec. 71; P.L.L. 1963, sec. 76.)

Section C-902. Control.

The town shall have control of all public ways in the town except such as may be under the jurisdiction of the Maryland State Roads Commission. Subject to the laws of the State of Maryland and this charter, the town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the town. (Res., March, 1963, sec. 72; P.L.L. 1963, sec. 77.)

Section C-903. Powers of town as to public ways.

The town shall have the power:

- (1) To establish, regulate, and change from time to time the grade lines, width, and construction materials of any town public way or part thereof, bridges, curbs, and gutters.
- (2) To grade, lay out, construct, open, extend, and make new town public ways.
- (3) To grade, straighten, widen, alter, improve, or close up any existing town public way or part thereof.
- (4) To pave, surface, repave, or resurface any town public way or part thereof.
- (5) To install, construct, reconstruct, repair, and maintain curbs and/or gutters along any town public way or part thereof.
- (6) To construct, reconstruct, maintain, and repair bridges.
- (7) To name town public ways.
- (8) To install, maintain, repair public service lines such as sewage, water or other necessary facilities as may be deemed necessary for public health, safety and comfort.
- (9) To have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof. (Res., March, 1963, sec. 73; res. January 26, 1968; P.L.L. 1963, sec. 78.)

Section C-904. Powers of town as to sidewalks.

The town shall have the power:

- (1) To establish, regulate, and change from time to time the grade lines, width, and construction materials of any sidewalk or part thereof on town property along any public way or part thereof.
- (2) To grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on town property along any public way or part thereof.

(3) To require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstructions.

(4) To require and order the owner of any property abutting on any public way in the town to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the town may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are town taxes or by suit at law. (Res., March, 1963, sec. 74; P.L.L. 1963, sec. 79.)

SUBTITLE 10

Water and Sewers

Section C-1001. Powers of town.

The town shall have the power:

- (1) To construct, operate, and maintain a water system and water plant.
- (2) To construct, operate, and maintain a sanitary sewerage system and a sewage treatment plant.
- (3) To construct, operate, and maintain a storm water drainage system and storm water sewers.
- (4) To construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plants and systems.
- (5) To have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof.
- (6) To do all things it deems necessary for the efficient operation and maintenance of the above plants and systems. (Res., March, 1963, sec. 75; P.L.L. 1963, sec. 80.)

Section C-1002. Placing structures in public ways.

Any public service corporation, company, or individual, before beginning any construction of or placing of or changing the location of any main, conduit, pipe, or other structure in the public ways of the town, shall submit plans to the town and obtain written approval upon such conditions and subject to such limitations as may be imposed by the town. Any public service corporation, company, or individual violating the provisions of this section shall be guilty of a misdemeanor. If any unauthorized main, conduit, pipe, or other structure interferes with the operation of the water, sewerage, or storm water systems, the town may order it removed. (Res., March, 1963, sec. 76; P.L.L. 1963, sec. 81.)

Section C-1003. Obstructions.

All individuals, firms, or corporations having mains, pipes, conduits, or other structures, in, on, or over any public way in the town or in the county which impede the establishment, construction, or operation of any town sewer or water main shall, upon reasonable notice, remove or adjust the obstructions at their own expense to the satisfaction of the town. If necessary to carry out the provisions of this section, the town may use its condemnation powers provided in Section 97 (C-1202). Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Res., March, 1963, sec. 77; P.L.L. 1963, sec. 82.)

Section C-1004. Entering on county public ways.

The town may enter upon or do construction in, on, or over any county public way for the purpose of installing or repairing any equipment or doing any other things necessary to establish, operate, and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant, or storm water sewers provided for in this charter. Unless required by the county, the town need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent to enter on the public way and must leave the public way in a condition not inferior to that existing before. (Res., March, 1963, sec. 78; P.L.L. 1963, sec. 83.)

Section C-1005. Connections.

The town shall provide a connection with water and sanitary sewer mains for all property abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by the town, all abutting property owners after reasonable notice shall connect all fixtures with the water or sewer main. The town may require that, if it considers existing fixtures unsatisfactory, satisfactory ones be installed and may require that all cesspools, sinkdrains, and privies be abandoned, filled, removed or left in such a way as not to injure public health. All wells found to be polluted or a menace to health may be ordered to be abandoned and closed. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Res., March, 1963, sec. 79; P.L.L. 1963, sec. 84.)

Section C-1006. Same; charge.

The town may make a charge, the amount to be determined by the council, for each connection made to the town's water or sewer mains. This charge shall be uniform throughout the town, but may be changed from year to year. Arrangements for the payment of this charge shall be made before the connection is made. (Res., March, 1963, sec. 80; P.L.L. 1963, sec. 85.)

Section C-1007. Changes in plumbing, etc., to prevent waste or improper use.

In order to prevent any leakage or waste of water or other improper use of the town's water system or sewage disposal system, the town may require such changes in plumbing, fixtures, or connections as it deems necessary to prevent such waste or improper use. (Res., March, 1963, sec. 81; P.L.L. 1963, sec. 86.)

Section C-1008. Private systems.

The town may by ordinance provide that no water supply, sewerage, or storm water drainage system, and no water mains, sewers, drains, or connections therewith, shall be constructed or operated by any person or persons, firm, corporation, institution, or community, whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health and any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and may be abated by the town. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Res., March, 1963, sec. 82; P.L.L. 1963, sec. 87.)

Section C-1009. Extensions beyond boundaries.

The town shall have the power to extend its water or sewerage system beyond the town limits. (Res., March, 1963, sec. 83; P.L.L. 1963, sec. 88.)

Section C-1010. Right of entry.

Any employee or agent of the town, while in the necessary pursuit of his official duties with regard to the water or sewage disposal systems operated by the town, shall have the right of entry, for access to water or sewer installations, at all reasonable hours, and after reasonable advance notice to the owner, tenant, or person in possession, upon any premises and into any building in the town or in the county served by the town's water or sewage disposal system. Any restraint or hindrance offered to such entry by any owner, tenant, or person in possession, or the agent of any of them, may, by ordinance, be made a misdemeanor. (Res., March, 1963, sec. 84; P.L.L. 1963, sec. 89.)

Section C-1011. Pollution of water supply.

No person shall do anything which will discolor, pollute, or tend to pollute any water used or to be used in the town water supply system. Any violation of the provisions of this section shall be a misdemeanor. (Res., March, 1963, sec. 85; P.L.L. 1963, sec. 90.)

Section C-1012. Contracts for water.

The town, if it deems it advisable, may contract with any party or parties, inside or outside the town, to obtain water or to provide for the removal of sewage. (Res., March, 1963, sec. 86; P.L.L. 1963, sec. 91.)

Section C-1013. Charges.

The town shall have the power to charge and collect such service rates, rents, charges, or fees as it deems necessary for water and sewer service, including but not limited to connection

fees, front-foot benefit charges, testing and inspection fees, initiation and discontinuance of service fees, late fees, usage rates, fire hydrants, and penalties for improper use or connections. In addition, the town shall have the power to collect the Bay Restoration fee or other taxes or fees required by Maryland law to be collected with water or sewer service bills. These charges are to be billed and collected by the treasurer, and if bills are unpaid within thirty days, service may be discontinued. All such rates, rents, charges and fees, including the Bay Restoration fee and other taxes or fees required by Maryland law to be collected with water or sewer service bills, shall be a lien on the real property served by the water or sewer service, collectible in the same manner as town taxes or by suit at law. (Res., March, 1963, sec. 87; P.L.L. 1963, sec. 92; Res. R-07-20, 12-7-07.)

Section C-1014. Exception

The provisions of this subtitle shall not extend to any town located in a sanitary district or special tax area or district authorized to discharge the powers provided in this subtitle, as to the particular powers included in the authorization. (Res., March, 1963, sec. 88; P.L.L. 1963, sec. 93.)

SUBTITLE 11 Special Assessments

Section C-1101. Power of town to levy.

The town shall have the the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the installation or construction, of water mains, sanitary sewer main, storm water sewers, curbs, and gutters and by the construction, and paving of public ways and sidewalks or parts thereof, and to provide for the payment of all or any part of the above projects out of the proceeds of such special assessment. The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the town, and any other item of cost which may reasonably be attributed to the project. (Res., March, 1963, sec. 89; P.L.L. 1963, sec. 94.)

Section C-1102. Procedure.

(a) *Provided.* The procedure for special assessments, wherever authorized in this charter, shall be as follows:

(b) *Cost.* The cost of the project being charged for shall be assessed according to the front foot rule of apportionment or some other equitable basis determined by the council.

(c) *Value.* The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any

special assessment be levied which shall cause the total amount of special assessments levied by the town and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five per centum (25%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.

(d) *Classes.* When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.

(e) *Levy.* All special assessment charges shall be levied by the council by ordinance. Before levying any special assessment charges, the council shall hold a public hearing. The treasurer shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the town. The clerk-treasurer shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten and not more than thirty days after the clerk-treasurer shall have completed publication and service of notice as provided in this section. Following the hearing the council, in its discretion, may vote to proceed with the project and may levy the special assessment.

(f) *Appeals.* Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the circuit court for the county within ten days after the levying of any assessment by the council.

(g) *Payment.* Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten years, and in such manner as the council may determine. The council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the council.

(h) *When due.* All special assessment installments shall be overdue six months after the date on which they became due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as town taxes or by suit at law.

(i) *Collection.* All special assessments shall be billed and collected by the Treasurer. (Res., March, 1963, sec. 90; P.L.L. 1963, sec. 95.)

SUBTITLE 12 Town Property

Section C-1201. Acquisition, possession, and disposal.

The town may acquire real, personal, or mixed property within the corporate limits of the town for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the town. All municipal property, funds, and franchises of every kind belonging to or in the possession of the town (by whatever prior name known) at the time this charter becomes effective are vested in the town, subject to the terms and conditions thereof. (Res., March, 1963, sec. 91; P.L.L. 1963, sec. 96.)

Section C-1202. Condemnation.

The town shall have the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the town, for any public purpose. Any activity, project, or improvement authorized by the provisions of this charter or any other state law applicable to the town shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in Article 33A of the Annotated Code of the Public General Laws of Maryland, title "Eminent Domain". (Res., March, 1963, sec. 92; P.L.L. 1963, sec. 97.)

Section C-1203. Town buildings.

The town shall have the power to acquire, to obtain by lease or rent, to purchase, construct, operate, and maintain all buildings and structures it deems necessary for the operation of the town government. (Res., March, 1963, sec. 93; P.L.L. 1963, sec. 98.)

Section C-1204. Protection of town property.

The town shall have the power to do whatever may be necessary to protect town property and to keep all town property in good condition. (Res., March, 1963, sec. 94; P.L.L. 1963, sec. 99.)

SUBTITLE 13 General Provisions

Section C-1301. Oath of office.

(a) *Oath required.* Before entering upon the duties of their offices, the mayor, the councilmen, the clerk-treasurer, the members of the board of supervisors of elections, and all other persons elected or appointed to any office of profit or trust in the town government shall take and subscribe the following oath or affirmation: "I, do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution

and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of according to the Constitution and laws of this State”.

(b) *Before whom taken and subscribed.* The mayor shall take and subscribe this oath or affirmation before the clerk of the circuit court for the county or before one of the sworn deputies of the clerk. All other persons taking and subscribing the oath shall do so before the mayor. (Res., March, 1963, sec. 95; P.L.L. 1963, sec. 100.)

Section C-1302. Official bonds.

The Treasurer and such other officers or employees of the town as the council or this charter may require, shall give bond in such amount and with such surety as may be required by the council. The premiums on such bonds shall be paid by the town. (Res., March, 1963, sec. 96; P.L.L. 1963, sec. 101.)

Section C-1303. Prior rights and obligations.

All right, title, and interest held by the town or any other person or corporation at the time this charter is adopted, in and to any lien acquired under any prior charter of the town, are hereby preserved for the holder in all respects as if this charter had not been adopted, together with all rights and remedies in relation thereto. This charter shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatever existing at the time this charter becomes effective. All suits and actions, both civil and criminal, pending, or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this charter, shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this charter had not become effective. (Res., March, 1963, sec. 97; P.L.L. 1963, sec. 102; See note (1).)

Section C-1305. Effect of charter on existing ordinances.

(a) *Ordinances, etc., not in conflict with charter remain in effect.* All ordinances, resolutions, rules, and regulations in effect in the town at the time this charter becomes effective which are not in conflict with the provisions of this charter shall remain in effect until changed or repealed according to the provisions of this charter.

(b) *Ordinances, etc., in conflict with charter repealed.* All ordinances, resolutions, rules, and regulations in effect in the town at the time this charter becomes effective which are in conflict with the provisions of this charter [shall] be and the same hereby are repealed to the extent of such conflict. (Res., March, 1963, sec. 99; P.L.L. 1963, sec. 104.)

Section C-1306. Separability.

If any section or part of section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which such section or part of section so held invalid shall appear, except to the extent that an

entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply. (Res., March, 1963, sec. 100; P.L.L. 1963, sec. 105.)

Section C-1307. "Town" construed to mean "city".

Wherever in this subtitle the word "town" shall appear, it shall be taken and construed to mean also the word "city". (Res., March, 1963, sec. 101; P.L.L. 1963, sec. 106.)

NOTES

(1) Resolution Number R-2-90, effective October 5, 1990, repealed in its entirety Section 18-1304 that dealt with Misdemeanors.

(2) Resolution Number R-7-90, effective November 9, 1990, renumbered all section numbers in the Charter for the Town of Chesapeake Beach.

(3) Resolution Number R-07-16, effective May 4, 2007, purportedly replaced Section C-301 in its entirety with Section C-401 due to typographical error. As Resolution Number R-07-16 otherwise references only replacement of Section C-401, that change has been made.